

Prob 12A  
(Mod. For E.VA 10/09)

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF VIRGINIA

U.S.A. vs. Bernard Colton

Docket No.: 1:08MJ00680-001

Petition on Supervised Release

COMES NOW David A. Pnakovich, PROBATION OFFICER OF THE COURT, presenting an official report upon the conduct and attitude of Bernard Colton, who was placed on supervision by the Honorable Theresa Carroll Buchanan sitting in the Court at Alexandria, Virginia, on the 8th day of February, 2011, who fixed the period of supervision at one (1) year, and imposed the general terms and conditions heretofore adopted by the Court and also imposed special conditions and terms as follows:

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RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:


See Attachment(s)

PRAYING THAT THE COURT WILL ORDER a warrant to be issued directing that the offender appear before the Court to show cause why supervision should not be revoked.

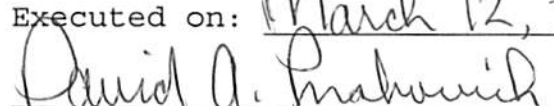
Bond Recommendation: No Bond

ORDER OF COURT

Considered and ordered this 13<sup>th</sup>  
day of March, 2012 and  
ordered filed and made a part of the  
records in the above case. /s/

  
Theresa Carroll Buchanan  
United States Magistrate Judge  
Theresa Carroll Buchanan  
United States Magistrate Judge

I declare under penalty of perjury  
that the foregoing is true and  
correct.

Executed on: March 12, 2012  
  
David A. Pnakovich  
U.S. Probation Officer

Place: Manassas, Virginia

TO CLERK'S OFFICE

Petition on Supervised Release

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RE: COLTON, Bernard

OFFENSE: Driving Under the Influence, in violation of Title 18, U.S.C., Section 13, assimilating Virginia Code 18.2-266(ii).

SENTENCE: On November 24, 2008, Bernard Colton appeared for sentencing before Your Honor, having been charged with Driving Under the Influence. On that date, the defendant was placed on probation for 2 years. Special conditions of supervision ordered were that the defendant shall: (1) enter and complete an alcohol treatment program; (2) serve 10 days in jail; (3) have a restricted operator's license for 2 years with the requirement that he operate a motor vehicle equipped with an ignition interlock device; and (4) pay a \$500 fine and \$10 special assessment fee.

On February 8, 2011, Mr. Colton appeared before Your Honor for a probation violation hearing. On that date, Your Honor revoked probation and ordered that Mr. Colton serve 60 days imprisonment followed by 1 year supervised release. Special conditions of supervision ordered were that the defendant shall: (1) enter and complete an alcohol treatment and/or education program, at the direction of the probation officer; (2) commencing February 8, 2011, and continuing for one (1) year, the defendant may not operate a motor vehicle at any time; (3) be supervised on a level determined by the probation officer based on the Prince William County supervision that the defendant is currently on. This supervised release shall be supplemental to the Prince William County supervision and may include the sobriety, if deemed necessary; and (4) participate in the out-patient alcohol addiction program provided through the U.S. Department of Veteran's Affairs.

ADJUSTMENT TO SUPERVISION:

Mr. Colton currently resides with his family in Triangle, Virginia. Initially, he was employed with the U.S. Army, but retired in November 2009. He is currently employed as a night-stocker at the Fort Belvoir Commissary. On April 13, 2009, the fine and special assessment were paid. On May 11, 2009, he completed his 10 days in jail. In October 2010, his case with the Virginia Alcohol Safety Action Program was closed as successful.

On January 9, 2009, Your Honor was notified that Mr. Colton had violated the conditions of his probation. It was reported that on December 18, 2008, Mr. Colton had received a warning ticket from the Fairfax County Police for Improper Passing. He had also failed to notify the probation officer of police contact, and had operated a motor vehicle which did not have the ignition interlock device installed. On February 10, 2009, Mr. Colton appeared before Your Honor and was found in violation of his probation. On that date, it was ordered that Mr. Colton continue on probation. As a special condition of his probation, it was ordered that he serve an additional 5 days in jail, and he was remanded to the custody of the U.S. Marshals. Subsequent to that violation hearing, Mr. Colton had the ignition interlock device installed on his vehicle.

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RE: COLTON, Bernard

On June 16, 2009, Mr. Colton was arrested by the Prince William County Police and charged with two counts of Assault and Battery on a Family Member. Your Honor was notified of these charges and, on June 23, 2009, ordered that a warrant be issued. On June 26, 2009, Mr. Colton surrendered on that warrant and was ordered released from custody pending his violation hearing. On November 6, 2009, the charges of Assault and Battery on a Family Member were nolle prossed in Prince William County Juvenile and Domestic Relations Court. However, on November 9, 2009, a warrant was issued for Mr. Colton by the Prince William County Police as they had elected to re-open the criminal case against him. On November 16, 2009, Mr. Colton was arrested pursuant to that warrant and was again charged with two counts of Assault and Battery on a Family Member. He was released from custody and given a court date of February 17, 2010. On that date, Mr. Colton appeared in Prince William County Juvenile and Domestic Relations Court and the charges of Assault and Battery on a Family Member were nolle prossed. On February 23, 2010, Mr. Colton appeared before Your Honor for his probation violation hearing. On that date, the petition was dismissed, and Mr. Colton was ordered to continue on probation.

On October 2, 2010, Mr. Colton was arrested by Prince William County Police and charged with Driving While Intoxicated-Third within 10 Years (felony), Refusal Blood/Breath Test, and Operating After Forfeiture of License. Your Honor was notified of these charges and on October 18, 2010, ordered that a warrant be issued. On October 20, 2010, Mr. Colton admitted himself into the Virginia Hospital Center Addiction Treatment Program, which is a 28-day inpatient treatment program. He was successfully discharged from that program on November 17, 2010. On November 18, 2010, Mr. Colton surrendered on the warrant which was ordered by Your Honor. On November 19, 2010, he appeared before Your Honor, and it was ordered that he remain detained pending a detention/preliminary hearing which was scheduled for November 22, 2010. On that date, Mr. Colton was released from custody and the matter was continued to January 11, 2011. As a condition of his release, it was ordered that the sobriety be installed in his residence. During his release, Mr. Colton was compliant with all conditions of probation, and experienced no violations. Mr. Colton also participated in an outpatient substance abuse treatment program with the Veterans Administration Addiction Program. On January 7, 2011, Mr. Colton appeared in Prince William County General District Court. On that date, Mr. Colton entered a plea of guilty to an amended charge of Driving While Intoxicated-Second within 5 Years (misdemeanor). Also on that date, Mr. Colton entered a plea of guilty to the charge of Driving After Forfeiture of License. The charge of Refused Blood/Alcohol Test was nolle prossed. Your Honor was notified of Mr. Colton's state sentence and continued his court hearing to February 8, 2011. On February 8, 2011, Mr. Colton appeared before Your Honor for a violation hearing. On that date, it was ordered that probation be revoked and that he serve 60 days imprisonment (remanded). Upon his release from custody, Mr. Colton was ordered placed on supervised release for 1 year. Special conditions of supervision ordered were that the defendant shall: (1) enter and complete an alcohol treatment and/or education program, at the direction of the probation

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**RE: COLTON, Bernard**

officer; (2) commencing February 8, 2011, and continuing for one (1) year, the defendant may not operate a motor vehicle at any time; (3) be supervised on a level determined by the probation officer based on the Prince William County supervision that the defendant is currently on. This supervised release shall be supplemental to the Prince William County supervision and may include the sobriety, if deemed necessary; and (4) participate in the out-patient alcohol addiction program provided through the U.S. Department of Veteran's Affairs.

On March 25, 2011, Mr. Colton was released from custody and began his 1-year term of supervised release. Mr. Colton currently resides with his family in Triangle, Virginia. Although he is not working, he is retired from the U.S. Army. Mr. Colton's term of supervised release is scheduled to expire on March 24, 2012.

**VIOLATIONS:** The following violations are submitted for the Court's consideration.

**Mandatory Condition:** "While on supervision, you shall not commit another Federal, state, or local crime."

On March 6, 2012, Mr. Colton was arrested in Stafford County, Virginia, and charged with Driving While Intoxicated - Third/Subsequent (felony) (case no.: GC12004178-00), Driving on a Suspended/Revoked Operator's License (case no.: GT12004179-00), and Refusal to Submit to Blood/Breath Test (case no.: GC12004180-00). Mr. Colton is scheduled to appear in Stafford County General District Court on May 17, 2012.

**Condition 11:** "You shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer."

On March 6, 2012, Mr. Colton was arrested in Stafford County, Virginia, and charged with Driving While Intoxicated, Third/Subsequent, Driving on a Suspended/Revoked Operator's License, and Refusal to Submit to Blood/Breath Test. It was not until March 12, 2012, that this officer learned of the above charges. As of the date of this violation petition, Mr. Colton has not contacted this probation officer to report his contact with law enforcement.

DAP/iyh/DL